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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,132	03/23/2005	Manfred Baumgartner	5696.P0009US	2572
23474 7590 05/29/2008 FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631				
EXAMINER				
MEYER, KATY E				
ART UNIT		PAPER NUMBER		
3618				
MAIL DATE		DELIVERY MODE		
05/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,132

Applicant(s)

BAUMGARTNER ET AL.

Examiner

Katy Meyer

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 and 14 is/are allowed.
- 6) ☐ Claim(s) 2-8, 13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 27, 2008 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 2 – 17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 13, and 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Reipler (US 5,944,335).

As for claims 8 and 13, Reipler discloses a method for producing a sliding board in which a sliding board upper part comprising an upper shell (29) is connected to a sliding board lower part comprising a running sole (14), a lower web (12), and steel edges (15), and a core is formed by filling an interspace (16) with foamed material (20),

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comprising the steps of attaching an element (2) with at least one guide element (5) for arranging a binding element by passing at least one anchoring element (4) through at least one opening (17) in the preformed upper shell, joining together the sliding board upper part and lower part so that the anchoring element is connected to the core when the foam hardens (see column 5, lines 16 – 30, and line 56 – column 6, lines 40).

As for claim 16, Reipler discloses a sliding board (Fig. 8) with a running sole (14), an upper shell (29), a lower web (12), and a hardened foam core (20") with at least one rail-type guiding element (5) extending in the longitudinal direction of the sliding board (see Fig. 2) and for arranging at least one binding element on an upper side of the sliding board, said at least one rail-type guiding element being connected to the sliding board body by anchoring elements (4, 2) inserted into the rail-type guiding element and bearing against the rail-type guiding element (see Fig. 2), wherein the anchoring elements (4, 2) are integrated into said core when it is foamed, in direct contact with the foam, and retained by the hardened foam (see column 5, lines 16 – 30, and line 56 – column 6, lines 40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 17, and 2 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reipler (US 5,944,335).

As for claim 15, Reipler discloses a sliding board (Fig. 8) with a running sole (14), an upper shell (29), a lower web (12), and a hardened foam core (20") with at least one rail-type guiding element (5) extending in the longitudinal direction of the sliding board (see Fig. 2) and for arranging at least one binding element on an upper side of the sliding board, said at least one rail-type guiding element being connected to the sliding board body at least one anchoring element (4, 2) connected to the rail-type guiding element (see Fig. 2), wherein the anchoring element (4, 2) is integrated into said core when it is foamed, in direct contact with the foam, and retained by the hardened foam (see column 5, lines 16 – 30, and line 56 – column 6, lines 40).

Reipler does not disclose a guiding element and anchoring element that are formed in one piece. However, it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the board disclosed by Reipler with a one-piece guiding element and anchoring element to obviate the need for screws or other additional fastening means.

As for claim 17, Reipler discloses a method of passing an anchoring element (4) through an opening (17) in an upper part (26), joining an upper part and a lower part, and foaming a core so that the anchoring element is secured in the hardened foam. Reipler does not disclose an integrally formed anchoring element and guiding element, however, as noted above, said step would have been obvious to one of ordinary skill in the art.

Reiplier further discloses an opening that surrounds said anchoring element without a gap (column 5, lines 49 – 55), an anchoring element provided with cutouts (26), an elongated anchoring element (see Fig. 2), additional parts (6, 7, 11) placed or pushed in association with the anchoring element for adhesion to the core material, and two or more anchoring elements (4) interconnected by one plate-shaped anchoring element (2).

Allowable Subject Matter

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 8 requires the step of providing said at least one anchoring element in a region resting on the upper shell, with a cutting edge running around the opening, and pressing said edge into the upper shell either during positioning of the anchoring element or during joining of the sliding board upper part and lower part. This step, in combination with the further limitations of the claim, is not taught by the prior art.

Claims 9 – 11 and 14 are allowed.

Conclusion

The prior art made of record, but not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is (571)272-5830. The examiner can normally be reached on Monday - Friday, 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art
Unit 3618

/K. M./
Examiner, Art Unit 3618